

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

MANDA L. BEACHAM,
On behalf of MARK A. BEACHAM
(Deceased)

Plaintiff,

v.

Case No. 8:19-cv-2545-T-60SPF

COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION

Defendant.

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ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on consideration of the report and recommendation of Sean P. Flynn, United States Magistrate Judge, entered on November 19, 2020. (Doc. 24). Judge Flynn recommends “Plaintiff’s Unopposed Motion for an Award of Attorney’s Fees Under the Equal Access to Justice Act 28 USC. § 2412” (Doc. 23) be granted. Specifically, Judge Flynn recommends that Plaintiff be awarded reasonable attorney’s fees in the amount of \$6,523.26. The motion was unopposed and no objection to the report and recommendation was filed.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the

findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. *See Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Castro Bobadilla v. Reno*, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), *aff'd*, 28 F.3d 116 (11th Cir. 1994) (table).

Upon due consideration of the record, including Judge Flynn's report and recommendation, in conjunction with an independent examination of the file, the Court adopts the report and recommendation in all respects. The Court agrees with Judge Flynn's detailed and well-reasoned factual findings and legal conclusions. Consequently, "Plaintiff's Unopposed Motion for Award of Attorney's Fees Under the Equal Access to Justice Act 28 USC. § 2412" (Doc. 23) is granted.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

1. The report and recommendation (Doc. 24) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
2. "Plaintiff's Unopposed Motion for Award of Attorney's Fees Under the Equal Access to Justice Act, 28 USC. § 2412" (Doc. 23) is **GRANTED**.
3. Plaintiff is hereby awarded attorney's fees in the amount of \$6,523.26. Fees are payable directly to Plaintiff's counsel if the Commissioner determines that Plaintiff does not owe a debt to the government; otherwise, the award is payable directly to Plaintiff.
4. The Clerk is directed to enter an amended final judgment in favor of Plaintiff and against the Commissioner of Social Security that includes the award of attorney's

fees and costs in this case, as set forth herein.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 11th day of
January, 2021.



TOM BARBER
UNITED STATES DISTRICT JUDGE